



Committed to Excellence in Broadcasting and Education

Corporate Headquarters

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DELIVERY VIA ECFS AND FEDERAL EXPRESS

NBC Channel 3 - KVBC
Las Vegas, Nevada
702-642-3333

NBC Channel 4 - KRNK
Reno, Nevada
775-322-4444

NBC Channel 10 - KENV
Elko, Nevada
775-777-8500

NBC Channel 7 - KWNK
Winnemucca, Nevada
775-322-4444

NBC Channel 3 - KBJN
Ely, Nevada
702-642-3333

NBC Channel 9 - KBMO
Tonopah, Nevada
702-642-3333

NBC Channel 11 - KYMA
Yuma, Arizona
928-782-1111

NBC Channel 6 - KPVI
Pocatello, Idaho
208-232-6666

NBC Channel 12 - KTVH
Helena, Montana
406-457-1212

NBC Channel 9 - KBBJ
Havre, Montana
406-457-1212

NBC Channel 13 - KBAO
Lewistown, Montana
406-457-1212

NBC Channel 13 - KCWY
Casper, Wyoming
307-577-0013

NBC Channel 13 - KCHY
Cheyenne, Wyoming
307-577-0013

NBC Channel 2 - KJWY
Jackson, Wyoming
307-733-2066

NBC Channel 7 - KSWY
Sheridan, Wyoming
307-577-0013

FOX Channel 35 - KXTF
Twin Falls, Idaho
208-733-0035

Ms. Nazifa Sawez
Federal Communications Commission
Room 2-A726
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: **TELEVISION STATION SECTION 339(a)(2)(D)(vii) WAIVER REQUEST MB Docket No. 05-317**
Valley Broadcasting Company, KVVN(TV), Ely, NV (Facility #: 86537)

Dear Ms. Sawez:

Valley Broadcasting Company ("Valley"), a subsidiary of Sunbelt Communications Company, the licensee of KVVN(TV), Ely, Nevada (formerly KBJN) requests a waiver of Section 339(a)(2)(D) of the Satellite Home Viewer Extension and Reauthorization Act of 2004 ("SHVERA") regarding digital signal strength tests to receive distant digital signals.

KVVN(TV), an NBC affiliate licensed to the small rural community of Ely, NV, is located within the Salt Lake City, Utah DMA. KVVN(TV) is nearly 250 miles from Salt Lake City and is in the Pacific Time zone. Although both Direct Broadcast Satellite ("DBS") providers offer customers local-into-local service from affiliates based in Salt Lake City, UT, KVVN(TV) is not included in the Salt Lake City local channel package.

Section 339(a)(2)(D)(viii)(I-VI) of SHVERA provides a list of factors used in determining waiver requests. Among the factors considered is *force majeure*. KVVN(TV) did not receive a second channel for digital operations because the Commission granted its initial construction permit after digital allocations were provided to existing operators. KVVN(TV) is the only over-the-air network broadcast affiliate serving the community. Switching to digital operations would result in the loss of the only form of broadcast television to the vast majority of the community. At the same time, allowing viewers to seek a digital signal strength test would jeopardize its ability to provide over-the-air television to a small, rural community.

Therefore, Valley respectfully requests a waiver from digital strength tests pursuant to Section 339 (a)(2)(D)(vii) for White Pine County, Nevada and, specifically, zip codes 89301, 89311, 89314, 89315, 89317, 89318, 89319.

Please feel free to contact me if you have any questions.

Sincerely,


Jonathan S. Lichstein
Corporate Counsel

Other Sunbelt Companies



Las Vegas Locations
Rainbow and 95 North
West Sahara and Paseo del Prado
Stephanie and Warm Springs
Rampart and West Charleston



Antique and Classic
Automobile Sales
Las Vegas Office
702-642-1714